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Onyx Dkt No. 1046.ORD
USSN: 09/410,462
PATENT

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		
I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, United States Patent and Trademark Office, (Fax No. 571-273-8300) on the date indicated.		
Gary R. Fabian	<i>Gary R. Fabian</i>	23 Feb 2008
Printed Name	Signature	Date of Transmittal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Williams, A., et al.	Confirmation No. 6889
Serial No.: 09/410,462	Art Unit: 1635
Filing Date: 1 October 1999	Examiner: J.E. Angell
Title: A SINGLE AGENT METHOD FOR KILLING TUMOR AND TUMOR ASSOCIATED ENDOTHELIAL CELLS USING ADENOVIRAL MUTANTS	

TRANSMITTAL

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-referenced application are the following documents:

1. Transmittal, including petition for extension of time and appeal brief fee, in duplicate;
2. Brief on Appeal; and
3. Certificates of Transmission by Facsimile.

This is an appeal of the Office Action mailed on 27 March 2007, finally rejecting claims 6, 7, 11-13, 15, 17, 18 and 29. An Amendment and Response to Final Office Action and Notice of Appeal was filed by appellants on 27 September 2007. An Advisory Action was mailed on 25 October 2007. Accordingly, the Appeal Brief was due, without extension, on 27 November 2007. A Request

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for Three-Month Extension of Time follows herein below. Thus, the due date with three-month extension is 27 February 2008.

Appellants request a Three-Month Extension of Time for filing of the accompanying brief under the provisions of 37 CFR 1.136(a) to extend the period for filing the brief in the above-identified application.

The requested extension and fee are as follows:

	Time Period	Fee	Small Entity Fee	Total
	One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
	Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$
XX	Three months (37 CFR 1.17(a)(3))	\$1,050	\$525	\$525.00
	Four months (37 CFR 1.17(a)(4))	\$1,640	\$820	\$
	Five months (37 CFR 1.17(a)(5))	\$2,230	\$1,115	\$

Authorization to Charge Deposit Account

The Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 the required fee of \$525.00 (small entity rate) for the three-month extension and the required fee of \$255.00 (small entity rate) under 37 C.F.R. §41.20(b)(2) for filing a brief in support of an appeal (please reference **ONYX1046.ORD**).

A copy of this transmittal is provided in duplicate. No additional fee is believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee.

Respectfully submitted,

Dated: 23 Feb 2008

By: Gary R. Fabian
 Gary R. Fabian, Ph.D.
 Registration No. 33,875
 Agent for Appellants

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